IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.565 OF 2007
IN
CRIMINAL APPEAL NO.630 OF 2005

Kundlik Ganpat Waghmare ...Applicant

V/s.

The State of Maharashtra ...Respondent

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Mr.Abhaykumar Apte for Applicant.

Mr.U.V.Nikam, A.P.P. for Respondent.

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CORAM: A.M.KHANWILKAR, J.

JULY 26, 2007.

P.C.

1. The offence in question is a serious offence. There are at least seven eye-witnesses who have spoken about the involvement of the Applicant in the commission of offence. The charge against the Applicant is a serious charge and he has been found guilty of offence under Section 307 of the Indian Penal Code unlike the co-accused who has been found guilty of offence under Section 324

and 326 of the Indian Penal Code. The persons who were injured during the assault have deposed as eye-witnesses.

2. Taking overall view of the matter and the fact that the Applicant is in jail since April 2005 whereas, he is required to undergo sentence for a period of seven years, in my opinion, prayer for bail will have to be rejected for the time being. However, it will be open for the Applicant to renew the Application for bail after six months, in the event the Appeal does not mature for hearing.

A.M.KHANWILKAR, J.